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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MIGUEL A. RAMIREZ,

9 Plaintiff,

10 v.

11 ADAMSON, et al.,

12 Defendants.
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3:07-cv-00294-RCJ-RAM

ORDER

15 Before the Court is the Report and Recommendation of the United States Magistrate
16 Judge (#180) ("Recommendation") entered on February 8, 2011, in which the Magistrate
17 Judge recommends that this Court grant Defendants' Motion for Summary Judgment.

18 No objection to the Report and Recommendation has been filed.

19 **I. DISCUSSION**

20 This Court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Further, under 28 U.S.C.
22 § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation,
23 then this Court is required to "make a de novo determination of those portions of the [report
24 and recommendation] to which objection is made."¹ Nevertheless, the statute does not
25 "require[] some lesser review by [this Court] when no objections are filed." Thomas v. Arn, 474
26 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not required to conduct "any
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¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C).

1 review at all . . . of any issue that is not the subject of an objection." Id. at 149. Similarly, the
2 Ninth Circuit has recognized that a district court is not required to review a magistrate judge's
3 report and recommendation where no objections have been filed. See United States v. Reyna-
4 Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
5 district court when reviewing a report and recommendation to which no objections were made);
6 see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth
7 Circuit's decision in Reyna-Tapia as adopting the view that district courts are not required to
8 review "any issue that is not the subject of an objection."). Thus, if there is no objection to a
9 magistrate judge's recommendation, then this Court may accept the recommendation without
10 review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting, without review, a magistrate
11 judge's recommendation to which no objection was filed).

12 In this case, there have been no objections filed to the Magistrate Judge's Report and
13 Recommendation. Although no objection was filed, this Court has reviewed the Report and
14 Recommendation (#180) and accepts it. Accordingly,

15 IT IS HEREBY ORDERED that Plaintiff's claims, as set forth at III.B.3(1), (2) and (4)-
16 (16) are DISMISSED WITHOUT PREJUDICE as a result of Plaintiff's failure to exhaust his
17 administrative remedies pursuant to 42 U.S.C. § 1997e(a).

18 IT IS FURTHER ORDERED that Plaintiff's claim that he suffered hearing loss as a
19 result of his confinement (Doc. #37 14-16 at ¶¶ 1-10) is DISMISSED WITHOUT PREJUDICE
20 because it is barred by the applicable statute of limitations.

21 IT IS FURTHER ORDERED that Plaintiff's claims: (1) alleging due process violations
22 as a result of being confined in de facto administrative segregation from September 31, 2005
23 to June 27, 2006 and August 29, 2006 to October 10, 2006, and (2) alleging deliberate
24 indifference to a serious medical need in violation of the Eighth Amendment are DISMISSED
25 WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e).

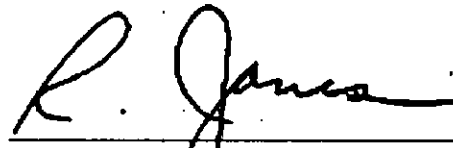
26 IT IS FURTHER ORDERED that Plaintiff's remaining state law claims are DISMISSED
27 WITHOUT PREJUDICE.

28 IT IS FURTHER ORDERED that Defendants' motion for summary judgment (#154) is
GRANTED as to all remaining claims.

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IT IS SO ORDERED.

DATED: This 18th day of March, 2011.



UNITED STATES DISTRICT JUDGE